

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD CLEMONS,

Plaintiff,

-vs-

ANTHONY GAINES, MARK
YOUNG, JOHN DOE, and
THOMAS BIRKETT,

Defendants.

CASE NO. 07-CV-12863

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

ORDER

**(1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
AND (2) GRANTING DEFENDANTS' MOTIONS TO DISMISS**

Before the Court is the Magistrate Judge's November 21, 2007 Report and Recommendation granting Defendants' Motions to Dismiss. Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 14); and
- (2) **GRANTS** Defendants' Motions to Dismiss. (Doc. Nos. 5 & 7).

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 19, 2007.

s/Denise Goodine

Case Manager